

In Care of:
Federal Correctional Institution
9595 West Quincy Avenue
Littleton, CO 80123
Terry-Le Roy: Cassidy
In Propria Persona Sui Juris

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CASE # CR-02-00133
)	
Plaintiff,)	
)	
vs.)	AFFIDAVIT IN COMMERCE
)	IN SUPPORT OF
TERRY LEROY CASSIDY,)	MOTION TO VACATE JUDGEMENT
)	IS VOID
Defendant.)	SPECIAL VISITATION

AFFIDAVIT IN COMMERCE IN SUPPORT OF MOTION TO VACATE
JUDGEMENT IS VOID

COMES NOW, Terry-Le Roy: Cassidy, In Propria Persona Sui Juris, and as the Authorized Representative of the Defendant TERRY LEROY CASSIDY, making this Affidavit in Commerce. An un rebutted Affidavit in Commerce stands as truth and Judgement. An Affidavit in Commerce must be rebutted in the same manner as it is put forth, thereby, rebutted under the pains and penalties of perjury by a natural entity, making oneself personally liable in commerce for perjured statements.

Affiant, who goes by the name Terry-Le Roy, of the Cassidy family, and uses the appellation Terry Le Roy Cassidy, is a living, breathing flesh-and-blood man, under the laws of Yahweh (AKA God), being of sound mind, and over the age of twenty-one, whose advocate is Yahshua Messiah (AKA Jesus Christ), reserving all rights, being unschooled in law, and who has no bar attorney, is without an attorney, and not waiving right to assistance of counsel, knowingly

Declares and Duly affirms, in accordance with law, in Special Visitation, in good faith, with no intention of delaying, nor obstructing, and with full intent of preserving and promoting the public confidence in the integrity and impartiality of the judiciary, that the following statements and facts in the matters in re Case # CR-02-00133, in the UNITED STATES DISTRICT COURT, for the District of Hawaii, and any matter relating thereto, are of Affiant's own firsthand knowledge, does solemnly swear, declare, and depose: that Affiant is competent to state the matters set forth herein; and all facts herein are true, correct, complete and certain.

1. Affiant is a Sovereign Inhabitant who takes up housekeeping in the geographical regions known as: the Common Law California State Republic, the Common Law Colorado State Republic, the Common Law Oregon State Republic, the Common Law Washington State Republic.

2. Affiant was born in the Common Law California State Republic as a Sovereign American with all the inalienable rights granted under the Common Law as evidenced by exhibits "E" and "F" in the MOTION TO VACATE/JUDGEMENT IS VOID.

3. Affiant is not a "citizen of the United States", and declares any adhesion/quasi or implied consent contracts attempting to establish "citizenship of the United States", void ab initio, because of fraud, and failure to fully disclose the terms of any such contracts.

4. There are two classes of citizenship in America a defined in case law. They are: "citizens of the United States" and/or "State Citizens".

5. Prior to the Fourteenth Amendment to the Constitution there was only one class of citizen.

6. The Fourteenth Amendment to the Constitution created a new class of citizenship in America by making negroes "citizens of the United States".

7. A Fourteenth Amendment citizen, i.e "citizen of the United States" is a citizen of a foreign corporation, called the United States. "The United States Government is a Foreign Corporation with respect to a state". 19 Corpus Juris Secundum.

8. Citizenship of the United States as defined in the Fourteenth Amendment to the Constitution is "foreign corporate citizenship" in respect to the Common Law States of the Union, known as the united States of America.

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AFFIDAVIT IN SUPPORT OF MOTION TO VACATE

9. Most Americans have what is termed as dual citizenship. They are Citizens of their particular State while being citizens of the United States at the same time.

10. One may be a Citizen of a State and not a citizen of the United States.

11. A citizen of the United States cannot be a Sovereign American.

12. A Citizen of a Common Law State of the Union can be a Sovereign, if he has not enfranchised him/her-self into the United States Foreign Corporation.

13. Citizenship of the United States is via contract.

14. Citizenship of a State is via Birth.

15. The Proclamation of Emancipation guaranteed negroes Citizenship that was equal to the whites.

16. Everyone born in a Common Law State in America, has Common Law inalienable rights, as a matter of birth right.

17. Our right to contract is unlimited, and secured by the Constitution.

18. If a American contracts into the corporate United States, and therein inhibits his/her Sovereignty, replaced by corporate protection and privilege, they have every right to do so.

19. Most Americans contract into corporate citizenship of the United States without ever realizing what they have done.

20. These contracts do not disclose one waives Sovereignty for corporate protection and privilege.

22. Sovereign Americans have God-given inalienable rights.

23. Citizens of the United States have Government given privilege. These are also known as "Civil Rights", i.e. rights given by government.

24. Acceptance of a Benefit equals contract.

25. Acceptance of free delivery of the mail, acceptance of welfare, acceptance of food stamps, execution of a voter's registration, execution of an application for social security are but some of the adhesion/quasi implied consent contracts, subjecting you to the corporate public policy of the United States Foreign Corporation.

26. Affiant is not a Fourteenth Amendment citizen.

27. The corporate entity known as TERRY LEROY CASSIDY, is a "citizen of the United States".

28. The corporate entity, TERRY LEROY CASSIDY, is bankrupt.

29. The corporate entity, TERRY LEROY CASSIDY, is distinctly different than the Sovereign American flesh-and-blood man, Terry Le Roy Cassidy.

30. The corporate entity, TERRY LEROY CASSIDY, and the natural man, Terry Le Roy Cassidy, have a lawful relationship between them, the former being the Debtor, and the latter being the Secured Party/Creditor.

31. The lawful relationship cited in # 30 is manifested in one UCC Financing Statement, marked exhibit "A", as well as other certified documents.

32. Terry Le Roy Cassidy, the natural man, is held harmless of any matter pertaining to the corporate entity, TERRY LEROY CASSIDY, as manifested in one "Hold Harmless and Indemnity Agreement # TLC-062670-HHIA, as well as being held harmless by authority of UCC 9-317.

33. The corporate name "TERRY LEROY CASSIDY" has been Common Law Trade-marked as manifested by exhibit "L" and the Proof of Publication marked exhibit "M".

34. Any unauthorized use of the Common Law Trade-mark in Commerce carries a five hundred thousand dollar (\$500.000.00) unauthorized use fee.

35. The instant case, CR-02-00133 was brought in the name of the corporate entity, TERRY LEROY CASSIDY.

36. The Plaintiff never noticed anyone they were prosecuting a "legal fiction" and/or fictitious person,

37. The aforementioned case has not been brought against the Sovereign American known as Terry Le Roy Cassidy.

38. The Sovereign American, Secured Party/Creditor, known as Terry Le Roy Cassidy, is being held hostage as collateral and surety for the alleged actions and liabilities of the corporate entity, TERRY LEROY CASSIDY.

39. The actions asserted in # 38 is in direct violation of the Hold Harmless Indemnity Agreement that has been offered as evidence throughout this case, and in violation of UCC 9-317, and without proper process of service.

40. The assertions in #'s 38 and 39 constitute illegal seizure of the Affiant, because the Court, nor the Plaintiff, has brought forth a contract, that has been entered onto the record, to prove either of those parties has the lawful authority to enforce their corporate public policy upon the affiant, in clear violation of the law lined out in Clearfield Trust v. United States, cited as (17)

41. The Plaintiff "UNITED STATES OF AMERICA, is endowed with the capacity to sue and be sued, to convey and receive property as cite in 1 Marsh Dec. 177, 181, Bouvier's Law Dictionary, Fifth Edition, but has no statutory authority to prosecute crimes as the principle party of interest in place of the United States.

42. The Federal Court is a creation of statute and therefore can only cognize what is in the statutes. If the UNITED STATES OF AMERICA, has no

statutory authority to prosecute crimes as the principle party of interest, acting as and in place of, the United States, the Court is in want of jurisdiction.

43. The United States Attorney in the instant matter has no power of Attorney to represent the UNITED STATES OF AMERICA in a criminal matter before the UNITED STATES DISTRICT COURT.

44. The territorial jurisdiction of the United states was challenged in this court on October 22, 2004, by Motion.

45. The Plaintiff has failed to establish the "territorial jurisdiction" of the United States on the record.

46. The UNITED STATES DISTRICT COURT for the District of Hawaii, in case # CR-02-00133-ER has proceeded without territorial jurisdiction of the United States being manifested upon the record.

47. The Plaintiff, nor the Court, can cite the record or produce such documents from the record, proving United States ownership of the land the alleged crime took place.

48. Without proof of territorial jurisdiction upon the record the crime has not been made out, and the Judgement is Void ab initio.

49. There is not "sufficient proof" before this court, that has been entered into the record, that one of the alleged conspirators committed any overt act within the territorial jurisdiction of the United States.

50. The prosecution must always prove territorial jurisdiction over a crime in order to sustain conviction thereof.

51. All courts are duty bound to take judicial notice of territorial jurisdiction of the offense, even if those facts are not put in the pleadings.

52. No sanctions can be imposed absent jurisdiction.

53. When a court is faced with a void judgement, it has no discretion and the judgement must be vacated whenever the lack of jurisdiction comes to light.

54. To refuse to vacate in the light of no territorial jurisdiction is an abuse of discretion.

55. The Affiant has acted at all times in good faith.

56. The Affiant has Accepted for Value and Returned for Value all of the Plaintiff's presentments.

57. The Affiant has issued a one million dollar Bill of Exchange so as to discharge the Indictment.

58. The Plaintiff has failed to present the Bill of Exchange to the Federal Window, therefore the Affiant has perfected the transfer, via a "Notice of Transfer" instructing the Department of the Treasury.

59. If Terry-Le Roy: Cassidy, were not a Sovereign, as claimed, the UNITED STATES OF AMERICA could never presume he was a "surety" for the corporate entity, TERRY LEROY CASSIDY.

60. The United States Attorney's Office, in cause # CR-02-00133 in the instant case, did not represent the "du jure" government.

61. The UNITED STATES OF AMERICA in the instant case, does not represent the "de jure" government.

62. Crime is commerce as cited in the Code of Federal Regulations, Title 27, § 72.11.

63. All governmental "business" in America today is strictly private "business", as confirmed in the Clearfield Trust Co. v. United States.

64. In the instant case, the UNITED STATES OF AMERICA, was conducting business, as in commerce.

65. The United States government is a for profit corporation as of 1871.

66. Governments descend to the level of a mere corporation and take on the character of a private citizen for purposes of suit, such corporations and entities are regarded as an entity separate from government.

67. Affiant herein affirms termination of any and all presumed contractual nexes' with the United States, UNITED STATES OF AMERICA, UNITED STATES DISTRICT COURT for the District of Hawaii or the United States District Attorney, since any and all such presumed contracts were obtained by fraud and without full disclosure, and no meeting of the minds.

68. Affiant cannot be forced to do business with the municipal corporation, i.e. United States Government, that is in Chapter 11 bankruptcy.

69. Affiant does not desire to any business with the UNITED STATES OF AMERICA, UNITED STATES DISTRICT COURT, nor United States.

70. The United States Attorneys, nor the UNITED STATES DISTRICT COURT for the District of Hawaii, can present a mutually agreed upon contract which would justify enforcement of corporate statutes.

71. The Certificate of Live Birth, exhibit "E", identifies the Defendant/Debtor, not the Secured Party Creditor, Affiant.

72. Aforementioned Certificate of Live Birth is a negotiable document, a registered security with the Department of Commerce, pedigree chattel document that establishes the existence of the artificial corporate strawman, ens legis, juristic person, i.e. Defendant/Debtor TERRY LEROY CASSIDY.

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73. The Secured Party/Creditor, at all times, and all instances, has been forced under threat of bodily harm, brought in chains behind the bar, therefore, no appearance has been general.

74. In the case of true crimes "At Law", the Common Law Inhabitant, i.e., Secured Party/Creditor, enjoys all rights as guaranteed in the Common Law Organic documents.

75. Secured Party/Creditor has right to a Common Law Trial if accused of a crime, or in the alternative, a contract manifested on the record which authorizes the corporate plaintiff in this matter to old the Secured Party/Creditor as surety for the corporate Defendant/Debtor.

76. I contend the United States Attorney, UNITED STATES OF AMERICA, and the UNITED STATES DISTRICT COURT for the District of Hawaii are committing GENOCIDE upon the Common Law Inhabitants of America, by perpetrating and perpetuating the "fiction of law" that everyone is a statutory "citizen of the United States".

If this Commercial Affidavit stands unrebutted point for point, it stands as truth. It must be rebutted under the pains and penalties of perjury by a real natural being held personally liable for everything he/she says, signed in your true name, upper and lower case. Any individual statement left unrebutted shall stand as truth. If the Plaintiff fails to rebut this affidavit entirely they have abandoned their claim and have no further standing in this matter, in which case "Judgement is Void" and must be vacated.

Dated: 4-4-06

All Rights Reserved Without Prejudice UCC 1-207

by: Terry Le Roy Cassidy, Agent
Terry-Le Roy Cassidy, Sui Juris
Authorized Representative

State of Colorado)
) ss
County of Jefferson)

The above named man signed before me on the
4th day of the April month, 2006.

Sharon A. McKinney
Notary

Commission Expires: 4-14-2008